

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT WHARTON

Petitioner,

v.

DONALD T. VAUGHN, et al.

Respondents.

:
:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION

No. 01-6049

ORDER

AND NOW, this 10th day of August, 2021, following evidentiary hearings held on February 25, 2021, March 8, 2021, March 16, 2021, May 11, 2021, and August 5, 2021, it is hereby **ORDERED** that:

- **By no later than September 30, 2021**, Petitioner Robert Wharton and Respondent the Philadelphia District Attorney's Office shall file briefs, not to exceed twenty-five double-spaced pages, regarding the following issues:
 - (1) Whether, under Strickland v. Washington, 466 U.S. 668 (1984), Wharton has proven that: his counsel acted unreasonably by failing to investigate and/or present prison adjustment evidence for the period between his two death penalty verdicts, and, had his counsel presented that evidence at the second penalty hearing, there is a reasonable probability that at least one juror would have voted against imposing the death penalty; and
 - (2) Whether the District Attorney complied with federal and/or Pennsylvania state crime victims' rights statutes in its communications with Lisa Hart and/or the

immediate relatives of Bradley and Ferne Hart.

- (3) Whether I should accept Wharton and the District Attorney’s stipulation to admit the expert report of Cynthia Link, who did not testify.
- **By no later than October 22, 2021**, the Attorney General may file a brief in response to these issues, not to exceed twenty-five double-spaced pages.

BY THE COURT:

/s/ *Mitchell S. Goldberg*
MITCHELL S. GOLDBERG, J.